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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,699	10/16/2003	Hyun-Kwon Chung	1793.1073	6764
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STEIN MCEWEN, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
PRCT, NATHAN E				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,699

Applicant(s)

CHUNG ET AL.

Examiner

NATHAN PRICE

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/20/2004; 06/17/2004; 03/26/2008; 02/17/2009.

DETAILED ACTION

1. Claims 1 – 11 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The documents listed on the IDS's that are not in English and for which there is no provided translation have not been considered due to the lack of an English translation. See 37 CFR 1.98(a)(3).

Claim Objections

4. Claims 1 – 11 are objected to because of the following informalities: the meaning of "AV" is not clearly indicated. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 8 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 8 and 9 are directed to a signal directly or indirectly by claiming a medium and the Specification recites evidence where the computer readable medium is defined as a "wave" (such as a carrier wave) (§ 95 of Specification). In that event, the claims are directed to a signal or form of energy, which does not fall into a category of invention. See MPEP 2106. For the purposes of compact prosecution, "computer readable medium" will be interpreted as including physical storage devices and not carrier waves (non-statutory).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6580870 B1; "Kanazawa") in view of Jones et al. (US 20030220984 A1; "Jones").

7. As to claim 1, Kanazawa teaches a method of reproducing AV (digital audio and video) data in an interactive mode using a markup document, the method comprising:

issuing a command to preload the markup document using a fetch signal (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

8. Kanazawa fails to specifically teach “receiving a response” as claimed. However, Jones teaches receiving a response indicating whether the command to preload the markup document has been successfully transmitted using the fetch signal (§66, 68). It would have been obvious to one of ordinary skill in the art at the time Applicant’s invention was made to combine these teachings because Kanazawa teaches identifying the buffering state and Jones teaches functionality of buffering that can be used when implementing the disclosure of Kanazawa.

9. As to claim 2, Jones teaches the issuing of the command to preload the markup document includes generating the fetch signal using an application program interface (API) (§66, 68).

10. As to claim 3, Jones teaches the receiving of the response comprises receiving the response indicating whether the command included in the fetch signal has been successfully received using an API (§66, 68).

11. As to claim 4, Kanazawa teaches reproducing the AV data in the interactive mode using the preloaded markup document (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

12. As to claim 5, Kanazawa teaches a method of reproducing AV data in an interactive mode using a markup document and preloading the markup document (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

13. Kanazawa fails to specifically teach “inquiring whether preloading of the markup document is completed” or “receiving a return value” as claimed. However, Jones teaches inquiring whether preloading of the markup document is completed using an application program interface (API) (¶¶ 66, 68); and receiving a return value of true in response to the preloading of the markup document being completed and a return value of false in response to the preloading of the markup document being not completed (¶¶ 66, 68).

14. As to claim 6, Jones teaches the API is an [obj].allDone API (¶¶ 66, 68).

15. As to claim 7, Kanazawa teaches reproducing the AV data in the interactive mode using the preloaded markup document (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

16. As to claim 10, Kanazawa teaches a method in a computer system to process AV data in an interactive mode using a markup document, the method comprising:

controlling a content decoder to generate a fetch signal to preload the markup document (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

17. Kanazawa fails to specifically teach “controlling a buffer manager to issue a response” as claimed. However, Jones teaches, in response to the fetch signal, controlling a buffer manager to issue a response indicating whether a command to preload the markup document has been successfully received (§§ 66, 68).

18. As to claim 11, Kanazawa teaches a method in a computer system to process AV data in an interactive mode using a markup document (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

19. Kanazawa fails to specifically teach “controlling a content decoder to generate an inquiry” and “controlling a buffer manager to issue a response” as claimed. However, Jones teaches controlling a content decoder to generate an inquiry to determine whether preloading of the markup document is completed (§§ 66, 68); and in response to the inquiry, controlling a buffer manager to issue a response indicating whether the preloading of the markup document is completed (§§ 66, 68).

20. Claims 8 and 9 each recite a computer readable medium with instructions that implement the method of claims 1 and 5. In the computer art, it is well known to produce such a computer readable medium with instructions to implement a

computerized method. Therefore the media of claims 8 and 9 are obvious in view of the teachings used to reject claims 1 and 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196. The examiner can normally be reached on 8:30am - 5:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192